

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permitted
Applications 11792, 12910, 12911,
12912, 13091, 13092, 13093, 18797,
18728, 19148, and 19149
CALAVERAS COUNTY WATER DISTRICT,
Permittee

Order: WR 80-9
Sources: Stanislaus River and
Tributaries
Counties: Tuolumne, Calaveras,
Stanislaus and San Joaquin

ORDER GRANTING PETITION FOR RECONSIDERATION AND
ADOPTING TIMES FOR CONSTRUCTION AND FOR PUTTING WATER TO USE

BY THE BOARD:

Order WR 80-7 was adopted by the Board on March 20, 1980. A joint petition for reconsideration of the order has been filed by the following petitioners:

Sierra Club
Friends of the River
Concerned Citizens of Calaveras County
Wilderness Society
Dale Meyer

1. The petition for reconsideration raises substantial issues which provide a basis for reconsideration as set forth in Section 737.1, Title 23, California Administrative Code.

2. The petition should be granted on the ground that substantial issues are raised.

3. Condition 2 of Order WR 80-7 states:

"Time extensions for constructing the hydroelectric project are granted for permitted Applications 12911, 13092, 13093, 18727, and 19148. Time extensions for constructing the features of the water supply projects integral for the hydroelectric project are granted for permitted Applications 11792 (as it pertains to the North Fork of the Stanislaus River), 12910, 12912, 13091, 18728, and 19149. Upon completion of the litigation concerning the adequacy of the SEIR, the Board will establish dates for the commencement and completion of construction and for applying the water to the proposed use for permitted Applications 12911, 13092, 13093, 18727 and 19148."

4. The litigation concerning the adequacy of the SEIR became final on April 9, 1980, when pursuant to stipulations the appeal from judgment was dismissed by the Third Appellate District.

5. The petitioners allege that the establishment of dates called for by Condition 2 will substantially affect their interests and request opportunity to amend their Petition for Reconsideration after any Board action implementing the condition. It is further alleged that failure to provide such opportunity will be prejudicial.

6. Establishment of the dates called for by Condition 2 is appropriate at this time. Because the litigation has been concluded so quickly, this action should be based on the existing record.

7. Petitioners request a hearing "to elaborate their concerns with WR 80-7" and to submit "some newly available evidence" on economic aspects of the project. Title 23, California Administrative Code, Article 14.5, Subchapter 2, Chapter 3, sets forth the Board's regulations for reconsideration of water rights orders. The Board has discretion to hold a hearing for the purpose of oral argument or receipt of additional evidence or both. (Section 737.4) The regulations require a petitioner to state why an action of the Board is inappropriate or improper. (Section 737.2)

8. A petition stating why Order WR 80-7 is believed to be inappropriate or improper has been filed. However, the petitioners do not include any clear statement why a hearing is needed to elaborate the concerns stated in the Petition for Reconsideration. Petitioners' request for a hearing to present new evidence is not made in conformity with the regulations. (Sections 737.1(c) and 737.2(b)) The request is not supported by an affidavit, nor is it clear whether the evidence offered as Exhibit A could have been produced during the hearings

previously held. Further, the petitioners do not indicate how the evidence offered has relevance to Order WR 80-7. These defects would normally be cause for denial of the request for hearing. However, we have found that Order WR 80-7 should be amended to establish the dates called for by Condition 2 of said order. (Finding 6, above) We further find that a 30-day period should be allowed for petitioning for rehearing on this amendment. Accordingly, we deem it appropriate to allow petitioners a period of time to cure these defects.

ORDER

1. Order WR 80-7 shall be reconsidered. This order to grant reconsideration does not imply any decision of the Board on the merits of the issues raised. It is solely a decision that the issues raised are sufficiently substantial to merit reconsideration.

2. Condition 2 of Order WR 80-7 is amended as follows:

"2. Time extensions for constructing the hydroelectric project and for putting water to use are granted for permitted Applications 12911, 13092, 13093, 18727, and 19148. Time extensions for constructing the features of the water supply projects integral to the hydroelectric project are granted for permitted Applications 11792 (as it pertains to the North Fork of the Stanislaus River), 12910, 12912, 13091, 18728, and 19149 as follows:

a. Actual construction shall begin on or before (0000007)
December 1, 1982.

b. Construction shall be completed on or before (0000008)
December 1, 1984.

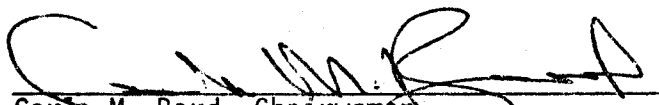
c. Complete application of the water to the proposed use for permitted Applications 12911, 13092, 13093, 18727, (0000009) and 19148 shall be made on or before December 1, 1985."

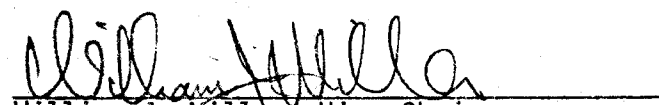
3. Up to but not later than June 16, 1980, the petitioners and any other party may petition for reconsideration respecting the times for

construction and for putting the water to use adopted by paragraph 2 of this order as provided by Water Code Section 1357. Up to but not later than June 2, 1980, petitioners may supplement their original petition to cure the defects identified in Finding 8, above. Calaveras County Water District may respond to the issues raised in the original Petition for Reconsideration, any further petition respecting the time schedule and any supplement, up to but no later than July 1, 1980.

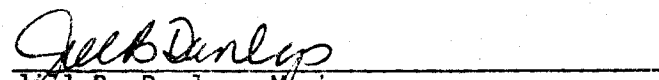
4. Petitioner, Calaveras County Water District, and other parties shall, prior to the Board's taking final action, be notified of the scope of reconsideration as provided in Section 737.4, Title 23, California Administrative Code.


Dated: **MAY 15 1980**


Carla M. Bard, Chairwoman


William J. Miller, Vice-Chairman


L. L. Mitchell, Member


Jill B. Dunlap, Member


F. K. Atjibury, Member

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permitted Applications 11792, 12910, 12911, 12912, 13091, 13092, 13093, 18727, 18728, 19148 and 19149)
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CALAVERAS COUNTY WATER DISTRICT,

Permittee.

ORDER: WR 80-7

SOURCES: Stanislaus River
and Tributaries

COUNTIES: Tuolumne, Calaveras,
Stanislaus and
San Joaquin

ADDITIONAL COMMENTS

BY MEMBER DUNLAP:

I concur in the findings and orders in Board Order WR 80-7, which approves petitions for changes and time extensions for long-permitted appropriations. I want to make it clear, however, that I believe that the Board's public interest responsibility in administering the appropriative water rights system neither allows nor requires uncritical approval of appropriations for hydroelectric power generation.

The Board is accustomed to analyzing water projects and making decisions about the amount of water which can be reasonably and beneficially used. However, the Board has not in the past analyzed in depth many major energy-related aspects of such projects. Specifically, the Board has not in the past evaluated whether one project is the logical project to develop to supply power as compared with other means of producing power or locations for power facilities. The Board has not in the past evaluated the extent to which the power consumer has pursued


energy conservation as a potential energy source, either as a substitute for a project or as an additional supply.


Yet, the Board is charged with allowing development of water, a public resource, only under conditions which protect the public interest. The Board may sometimes be the only state agency with public interest authority over an energy generating project.

As both energy and water continue to become more precious, I believe that the Board must intensify its analysis of energy-related aspects of water projects.

Dated: MAR 20 1980

I CONCUR:


Jill B. Dunlap
Member


L. L. Mitchell
Member

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permitted)
Applications 11792, 12910, 12911,)
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CALAVERAS COUNTY WATER DISTRICT,)
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ORDER: WR 80-7

SOURCES: Stanislaus River
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ORDER GRANTING CHANGES IN POINTS OF DIVERSION
AND EXTENSIONS OF TIME

BY VICE CHAIRMAN MILLER:

This order concerns eleven permitted applications authorizing the Calaveras County Water District (petitioner) to appropriate water from the North Fork of the Stanislaus River and its tributaries. During hearings before the State Water Resources Control Board (Board) in 1962, the petitioner proposed to develop a hydroelectric and various water supply projects. Over time the plan of the proposed hydroelectric project and water supply projects has undergone changes. Throughout, the purpose of the hydroelectric project has been to obtain funds to construct water supply projects for domestic, agricultural and other uses.

The petitioner now plans to construct a revised hydroelectric project and water supply projects on the North Fork of the Stanislaus River. Accordingly, the petitioner has petitioned the Board seeking approval of changes to permits including changes in the purpose of use, place of use and points of diversion.

The petitions were protested. Most protests allege that the proposed hydroelectric project and water supply projects will have adverse environmental impacts and that such impacts are not addressed adequately in the environmental documents. Six days of hearings were held to receive evidence pertaining to the petitioned changes and the protests. This order will address the petitioned changes in the permits for the proposed hydroelectric project and water supply projects, the environmental issues raised by the protestants and time extensions for commencing construction of the projects.

GENERAL DESCRIPTION OF THE PROPOSED PROJECT

"The proposed project calls for the enlargement of Spicer Meadow Dam and Reservoir, presently owned by the Pacific Gas and Electric Company (PG&E), plus the construction of three diversion dams, three tunnels, two power plants and an afterbay. The overall plan will provide approximately 192,000 acre-feet of storage and 205 megawatts of capacity.

"The existing Spicer Meadow Reservoir constructed in 1929 will be enlarged from approximately 4,060 acre-feet storage capacity to 189,000 acre-feet storage capacity for the conservation and regulation of Highland Creek flows. The existing dam now owned by PG&E will be inundated.

"The North Fork Diversion Dam, located at the confluence of Silver and Duck Creeks, will divert flows through a tunnel into Spicer Meadow Reservoir for storage. Controlled releases (about 300 cfs) from Spicer Meadow Reservoir will flow through a 5.2 megawatt power plant and thence down the existing stream channels to McKay's Point where it will again be diverted into the Collierville Tunnel and Penstock located on the north side of the river to a power installation at Clark Flat approximately one

mile below the confluence of the North and Middle Forks. The power plant will have an installed capacity of 200 megawatts with a maximum static head of 2,270 feet. Flows in Beaver Creek will also be diverted to McKay's Point for redirection into the Collierville Tunnel.

"The project plan includes the purchase from PG&E of portions of the Utica Project (project works under Federal Energy Regulatory Commission licenses issued to PG&E as Project Nos. 2019 and 2699) for integration into the proposed new development. The diversion dam and tunnel on Beaver Creek within the Calaveras Big Trees State Park will be taken out of service. The major portion of the Utica Ditch will also be taken out of service. Water will be released out of the Collierville Tunnel to the Ditch near Darby Knob (start of penstock) for transmission to the Murphys-Angels power plants and to the communities of Murphys and Angels Camp."^{1/}

With funds obtained from the construction of the hydroelectric project and additional local funds, the petitioner plans to construct facilities to supply water for domestic and agriculture uses. These water supply projects are described, currently, in general terms only.

PERMITTED APPLICATIONS AND ACTIONS
REQUIRED ON PERMITS

Existing Permits

Table 1 (see Appendix) summarizes the eleven permitted applications of concern in this matter. Of the eleven permits, five authorize the petitioner to divert and store water at locations for the power project as proposed in 1962 (permitted Applications 12910, 12911, 13092, 18727 and 19148). The remaining permits

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1. Supplemental Draft Environmental Impact Report, North Fork Stanislaus River Hydroelectric Project, Volume I, August 1978, pp. II-1, 2, CCWD Exhibit 4A.

authorize the petitioner to divert and store water at locations for other uses (Permitted Applications 11792, 12912, 13091, 13093, 18728 and 19149).

Petitions for Change

The petitioner has petitioned for changes in seven permitted applications. (Permitted Applications 11792, 12911, 13093, 18727, 18728, 19148 and 19149.) The changes requested will conform the existing permits to the planned changes in this hydroelectric project and water supply projects. The changes, in general, relate to the number, capacity, and location of the storage features of the projects and to the number and location of the powerhouses. The changes would also enable the petitioner to use the water storage and transfer features of the hydroelectric project for future water supply projects. The use of water for hydroelectric purposes is not consumptive. Water used for consumptive purposes may be the same water used after power generation for a consumptive use. An impoundment may hold water for both hydroelectric and consumptive uses.

Storage reservoirs would be eliminated from the original permits at the following locations and for the following amounts:

Ganns Reservoir	-- 60,000 acre-feet
Big Trees Reservoir	-- 162,000 acre-feet

Permitted storage in the Spicer Meadows Reservoir would be enlarged from 130,000 acre-feet to 189,000 acre-feet by transferring part of the storage at Ganns and Big Trees Reservoir to Spicer

Meadows. Also, the powerhouses at Sand Flat, Boards Crossing and Big Trees would be deleted and the New Spicer Powerhouse added.

The "Notice of Petition to Change" (see Appendix) describes the essential features of these permits and the petitioned changes.

Time Extensions for Permits

In addition to considering the petitioned permit changes, the Board must consider time extensions for commencing construction under all eleven permits. Holders of permits to appropriate water must proceed with due diligence to construct the necessary facilities to place the water to use.^{2/} For good cause shown, this Board may extend the time for commencing construction.^{3/} The petitioner has been granted time extensions by prior orders of this Board, and it is necessary to consider what additional extensions should be granted at this time.^{4/}

PROTESTANTS

The petitions for change were protested by the following persons. The Department of Fish and Game; the Sierra Club, Northern California Regional Conservation Committee; Friends of the River; Wilderness Society; the Concerned Citizens of Calaveras County; Melva H. and Donald E. Werner; Patricia H. Koehn; Lori L. Deacon; Sheila Gradison, Barbara Luri and Tom Owens; Lynn Dorroh, James Gilbertson and Theresa Robbins; Patty Shires; Stephen H.

2. Water Code Section 1396.

3. Water Code Section 1398.

4. Board Order dated January 10, 1969, and Orders WR 75-1, WR 76-11, and WR 78-2.

Schadlich, Franklin H. Mayne and Virginia Mayne Galinovich; Dorrington B. Matt; Glen Deardorff; Eric and Judith Walters; and Imogene Smith.

Other interested persons appeared and testified during the hearings leading to this Order.

BACKGROUND AND PRIOR BOARD ACTIONS

In 1962 the Board held hearings to consider competing projects to appropriate unappropriated water in the Stanislaus River. In addition to the petitioner, the competitors included Tuolumne County Water District #2 (TCWD). Adopted March 14, 1963, Decision 1114 concluded that the permits should be awarded to the petitioner because its project would more fully develop water resources, provide the widest benefits, and best conserve the public interest. Subsequently litigation by TCWD resulted in a court order directing reconsideration of Decision 1114.^{5/} Reconsideration was accomplished on August 25, 1965, by Decision 1226, and essentially reaffirmed the earlier decision.^{6/}

In 1963 the petitioner filed an application with the Federal Power Commission for a license to construct a hydroelectric project on the North Fork of the Stanislaus.^{7/} The application was denied in 1965 principally because the petitioner was unable to

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5. Order of July 24, 1964, Superior Court for the County of Sacramento, Case No. 145784.
 6. The petitioner and TCWD reached, subsequently, an agreement whereby TCWD would also obtain funds from construction of the petitioner's hydroelectric project to develop water supply projects.
 7. The Federal Energy Regulatory Commission now performs the functions formerly exercised by the Federal Power Commission.

obtain a contract with a power purchaser. At the time, the cost of electricity from fossil fuel power plants was more attractive than the cost of electricity from the proposed hydroelectric project.^{8/}

Following Decision 1226 an order was adopted on January 10, 1969, extending the time for commencing construction of the permitted facilities to January 1, 1972. Responding to a petition for additional time in which to commence construction, the Board concluded in Order WR 75-1 adopted on January 16, 1975:

* * *

"2. That the time for commencement of construction ... should be extended for a further hearing when the draft environmental impact statement is complete, but not later than September 1, 1975. The purpose of this hearing will be to consider whether further time should be allowed for formulation of the details of a definitive project.

"3. That the permittee should be placed on notice that if additional time for formulation of details of a definitive project is allowed, as a result of the hearing under paragraph two next above, the Board may later amend the permits to conform with the definitive project and with current conditions. Because the permits were issued nearly 10 years ago, and because there has been neither substantial financial commitment nor commencement of construction as provided in the permits, further hearing, fully noticed with opportunity for protestants to be heard, will be held regarding the definitive project prior to amendment of the permits. Amendments may include conditions to protect the environment based on the current laws and knowledge regarding the environment, conditions to protect vested rights and the public interest, and new quantity limitations consistent with the project formulated although the availability of unappropriated water will not be an issue." (Emphasis added.)

8. See Order WR 75-1.

Further hearing was held on August 27, 1975, to consider (1) the diligence with which the petitioner had pursued the project since 1974; (2) the petitioner's ability to proceed, including the project's economic feasibility; and (3) the schedule for obtaining required approvals and agreements prior to construction. Adopting Order 76-11 on July 15, 1976, the Board concluded:

* * *

"2. That permittee has proceeded diligently with efforts to further the project ... since the March 1974 hearing, and that the permittee has made a prima facie showing that it has a feasible project. The permittee should be allowed an extension of time to December 1, 1977, to formulate the details of its project and obtain a purchaser for the project power....

* * *

"4. That Permits ... should be revoked without further hearing if the electors fail to approve bonds to finance the permittee's project prior to December 1, 1977, and that the permittee in accepting the time extension agrees to this condition."

An extension of time within which elector bond approval must be obtained was petitioned on July 28, 1977. Board Order WR 78-2 adopted on February 14, 1978, included the following determination:

"1. The conditions contained in Order WR 76-11 were specific criteria for prospectively determining permittee's due diligence ... through December 1, 1977.

a. Permittee has obtained a purchaser for project power, within the meaning of Order WR 76-11.

* * *

c. Permittee has formulated the details of its project, within the meaning of that Order.

d. Permittee's electors did not have an opportunity to approve bonds to finance permittee's project by December 1, 1977, as required by that Order.

"2. Permittee has exercised due diligence in an effort to formulate its project, commence and complete construction work and apply water to beneficial use in accordance with the instant permits and with Division 2 of the Water Code and the regulations of the Board with exception of the requirement of Order WR 76-11 to conduct a bond election by December 1, 1977.

a. Permittee cited reasons beyond its absolute control for inability to schedule bond election before December 1, 1977.

* * *

"3. The protests against granting extension of time were based on environmental issues and lack of diligence by permittee.

a. Environmental issues should rightfully be a part of the Board's consideration of the permittee's petitions for changes in the permits.

b. Permittee has made substantial progress during the time that has elapsed since Order WR 76-11.

"THE BOARD DETERMINES THAT:

"1. Disposal of allegations of protestants that permittee has been lacking in diligence is within the Board's authority.

"2. Permittee has shown good cause for extension of time under Water Code Section 1398.

"NOW, THEREFORE, IT IS ORDERED that the time set forth in Condition 4 of Order WR 76-11 be extended to December 1, 1978."

The proposed hydroelectric project was first presented to the voters of Calaveras County in June of 1978 and defeated

narrowly. Resubmitted to the voters in November of 1978, after an active campaign by proponents and opponents, the bonds for the project were approved by 60.9 percent of the voters.^{9/}

Finally, following the 1978 petitions for change, protests filed, hearings held, and briefs filed, this matter is now before the Board for decision.

ISSUES AND FINDINGS

Section 100, California Water Code, declares that "... because of conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable...", however, the section further provides "... that the conservation of ... water is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare. In addition, the California Environmental Quality Act (CEQA) provides that state and public agencies which regulate or undertake activities which affect the quality of the environment, shall give major consideration to preventing environmental damage.^{10/}

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9. See March 21, 1976, hearing transcript, testimony of Mr. William Wulfson, pp. 28-30. During the hearings concerning this matter, several protestants took issue with the fairness of the election. Absent judicial proceedings challenging the results of the election, the election results must speak for the voters.
 10. The Public Resources Code Section 21000 et seq. is commonly referred to as the California Environmental Quality Act.

Upon adopting Decision 1114 in 1963, the Board determined that certain amounts of unappropriated waters were available to the petitioner and, as between competing projects, the petitioner's applications would more fully develop water resources, provide the widest benefits, and best conserve the public interest.

Environmental and public interest considerations aside, petitions for changes in permits are granted if the changes proposed "... will neither in effect constitute or initiate a new right nor operate to the injury of any other appropriator or beneficial user of water."^{11/} No protest was received nor evidence produced that would provide grounds for denying, on this basis, the changes petitioned. In general, the changes reduce the scope of the project and consequently reduce the potential impact upon other holders of water rights.

With one exception, the bases for all the protests were that (1) the proposed changes would not conserve the public welfare or that (2) the proposed changes would have an adverse environmental impact.^{12/} The Department of Fish and Game's (Department) protest was in furtherance of its statutory obligations to assure that sufficient waters are passed by dams to protect downstream fisheries and to assure that fish and wildlife resources are not jeopardized by the exercise of appropriative water rights.^{13/}

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11. Section 738, Article 15, Subchapter 2, Chapter 3, Title 23, California Administrative Code.
 12. Mr. Stephen H. Schadlich et al. filed the protest based on an alleged pre-1914 appropriative right for instream recreation. Because this is not a legally recognized right (Cal Trout, Inc. v. SWRCB, 153 Cal.Rptr. 672) the protest is included among the public welfare and environmental protests.
 13. Water Code Section 1243, 1257; California Fish and Game Code Section 5937.

As articulated, the public welfare and environmental positions in this matter are developed largely from the same facts. The petitioner and protestants have differing views regarding application of these policies to the facts.

Threshold CEQA Considerations

The petitioner has prepared and adopted a Supplemental Environmental Impact Report (SEIR).^{14/} The SEIR's focus is on the hydroelectric project, its alternatives, impacts and mitigation measures. General consideration, only, is given to the water supply projects that may be developed with the funds made available from construction of the hydroelectric project. The SEIR indicates that "Before any individual water-related project is constructed, a detailed environmental report will be prepared for the project."^{15/} The SEIR does address, however, those aspects of some projects for consumptive use of water that would be an integral part of the hydroelectric project, e.g., storage and diversion works that would be common to the proposed hydroelectric project and some water supply projects.

The petitioner has petitioned for changes in permits for the proposed hydroelectric project, and for changes in permits for water supply projects that relate only partially to the hydroelectric project.^{16/}

14. North Fork Stanislaus River Hydroelectric Development Project, Supplemental Draft Environmental Impact Report (SEIR), Calaveras County Water District (CCWD Exhibit 4-A).

15. See SEIR, Vol. I, II-25, CCWD Exhibit 4-A.

16. See Petitions for Change, pp. 3-4, supra.

Threshold issues based on CEQA are jointly raised by certain protestants; these issues concern whether the Board may act on these petitions at this time.^{17/} The contentions may be stated as follows:

1. That the Board must determine the adequacy of the SEIR;
2. That the SEIR is inadequate; and
3. That the Board should prepare a new supplemental SEIR.

The second and third contentions are based, essentially, on the same allegations. The bases for these contentions may be summarized in the following manner:

1. The SEIR does not address the entire project, i.e., the hydroelectric project and such water development projects as may be constructed in the future;
2. Growth inducing impacts are not adequately discussed;
3. The impacts of the Collierville Afterbay Dam were not discussed adequately;
4. Consideration was not given to the possible use of a road through the Calaveras Big Trees State Park for moving construction equipment;
5. Gabbot Meadow mitigation measures are not addressed sufficiently; and

17. Friends of the River, Sierra Club No. Calif. Regional Conservation Commission, Concerned Citizens of Calaveras County, Wilderness Society, and Dale Meyer.

6. Insufficient consideration was given to hydroelectric project alternatives.^{18/}

An action was filed challenging the SEIR in the Calaveras County Superior Court.^{19/} Among other matters, the adequacy of the SEIR was challenged on the basis that (1) the SEIR failed to consider the water supply projects along with the hydroelectric project; (2) growth inducing impacts were not considered fully; and (3) the impacts of the Collierville Afterbay Dam were not discussed adequately.

On November 19, 1979, the court filed its judgment and Findings of Fact and Conclusions of Law for the action. The court's findings of fact included the following:

* * *

"8. The hydroelectric project is an independent project. It is not part of a larger undertaking, is not a necessary precedent for action on a larger project, and its construction will not commit respondent to carry out a larger project with significant environmental effects.

"9. To the extent feasible, and to the extent information was reasonably available, the SEIR discussed the cumulative impacts of (a) other projects being studied by respondent, including the water supply projects, and (b) other projects existent and planned in the region.

"10. To the extent feasible, and to the extent information was reasonably available, the SEIR discussed the growth-inducing impacts of the hydroelectric project and of possible future water supply projects.

* * *

18. See protestants joint brief dated August 8, 1979, by the protestants identified in Footnote 17, supra.

19. Concerned Citizens of Calaveras County v. Calaveras County Water District, Case No. 9504, Superior Court for the County of Calaveras.

"12. To the extent feasible, and to the extent that information was reasonably available, the SEIR discussed the significant environmental impacts of the Collierville Afterbay."

The judgment has been appealed. Section 21167.3 of CEQA provides in part:

"If an action ... alleging that an environmental impact report does not comply with the provisions of this division is commenced ... responsible agencies shall assume that the environmental impact report for a project does comply with the provisions of this division and shall issue a conditional approval or disapproval of such project A conditional approval shall constitute permission to proceed with a project when and only when such action or proceeding results in a final determination that the environmental impact report does comply with the provisions of this division." (Emphasis added.)

Until all appeals have been taken or an appeal is foregone, the determination does not become final.

In accordance with the foregoing provision, the Board is directed to assume that the SEIR for the hydroelectric project complies with the requirements of CEQA.

The petitioner, however, has petitioned for changes in permits for planned water supply projects not addressed in the SEIR. If the petitioned permit changes are for one project including both hydroelectric and water supply features, then the SEIR is inadequate. This raises the issue currently being litigated, whether the hydroelectric is severable from any future water supply projects. Because this issue is being litigated, the Board will assume, for the purposes of this order, that the hydroelectric project is a finite project. However, to the extent that the petitioner, as the lead agency, has not fully addressed the changes

proposed in planned water supply projects in any SEIR, the Board cannot comply with CEQA and approve the petitioned changes. Accordingly, at this time, the Board will not act on the petitions for change for the water supply projects.

The question remains whether the Board is required to prepare supplemental environmental documents for impacts related to the hydroelectric project. CEQA requires a responsible agency to prepare additional environmental documents when (1) the lead agency cannot be compelled to prepare additional environmental documents, and (2) the following circumstances are present:

"(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.

"(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

"(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available."20/

This question presents the same dilemma discussed under the preceeding issue. That is, what is the scope of the project. If the petitioned permit changes are for one project including both hydroelectric and water supply features, then substantial changes have been proposed requiring additional environmental documents. This too raises the litigated issue of what is the project and, for the purposes of this order, the Board will assume the hydroelectric project is a finite project.

20. Section 150653, Article 6, Chapter 3, Title 14, Cal. Adm. Code; Public Resources Code Section 21166.

Limiting our consideration, therefore, to the project as defined in the petitioner's SEIR, the record will not support the conclusion that the petitioner is currently proposing either substantial changes in the project or that there have been substantial changes in the circumstances under which the project is undertaken that would require preparations of supplemental environmental documents. Further, the record will not support the conclusion that new information has become available that was not known, could not have been known, and that is of sufficient import to require the preparation of new supplemental environmental documents.

In conclusion, we assume that the SEIR is adequate for the proposed hydroelectric project and find that the circumstances requiring preparation of a new SEIR are not present. The Board will determine the adequacy of the SEIR later in the order.

Agreement Between the Petitioner and the Department of Fish and Game

Although the Department of Fish and Game (Department) protested the petitions for change, an agreement executed on March 16, 1979, resolves the Department's major objections. The petitioner's commitments to the Department are included within the mitigation measures proposed for the project.

The Board will require the petitioner's compliance with the agreement as a condition of approving changes to the permits.

Significant Environmental Effects

The petitioner has prepared a final supplemental environmental impact report. The proposed hydroelectric project, as approved by the petitioner, will have the following significant effects on the environment:

1. Construction of Spicer Meadow Reservoir will inundate approximately 160 acres of Gabbot Meadow - a prime wildlife habitat.
2. Construction of Spicer Meadow Dam, North Fork Diversion Dam, Beaver Creek Diversion Dam, and McKays Point Diversion Dam will affect the flow regime of Highland Creek, North Fork Stanislaus River, and Beaver Creek and adversely affect fish and wildlife.
3. Construction of the Collierville Penstock will prevent wildlife access from one side to the other and could hamper deer migration in this area.
4. Construction of Spicer Meadow Dam and Reservoir as presently designed could result in water temperatures in Highland Creek and the North Fork Stanislaus River which are too cold for optimum trout growth.
5. Construction of the Collierville Afterbay Dam could block fish migrating from New Melones Reservoir to spawn in the Stanislaus River.
6. Operation of the McKays Point Diversion Dam could adversely affect rainbow trout recruitment in the downstream waters of the North Fork Stanislaus River.
7. Construction of diversion tunnels will be a hazard to deer.

8. Utilization of Love Creek Road as an access road to McKays Point Diversion facilities could adversely affect the residents along Love Creek Road.

9. Construction of Spicer Meadow Dam and Reservoir will inundate approximately 30 acres of commercial forest lands (standard component) within the Stanislaus National Forest.

10. The enlarged Spicer Meadow Reservoir has the potential to become a significant, if not dominant, recreation attraction in the upper North Fork Stanislaus River basin.

11. The Collierville transmission line will be an unnatural object on the landscape and will detract from the scenic values of the area."

The petitioner has changed or altered the proposed project to mitigate the significant environmental effects in the following manner:

1. The District has agreed, in accordance with plans and specifications prepared by the California Department of Fish and Game in cooperation with the U. S. Forest Service and the U. S. Fish and Wildlife Service, to rehabilitate 40 acres of meadow within the Railroad Flat deer herd boundary, construct 160 acres of new wet meadow habitat within the Railroad Flat deer herd boundary, and to provide up to \$20,000 annually to maintain these meadows for a period of 20 years following construction of the North Fork Project.

2. The District has agreed to release flows for the maintenance of fish and wildlife below all storage and diversion facilities as specified by the California Department of Fish and Game.

3. The District has agreed to provide, in areas designated by the Department of Fish and Game, a minimum clearance of three feet under the Collierville Penstock.

4. The District has agreed to conduct a detailed temperature prediction analysis of the water downstream of Spicer Meadow Dam and Reservoir prior to final design in order to determine the effects on the fishery and to determine if a multiport discharge facility will be necessary; if found to be necessary, the District has agreed to install such a facility. 21/

5. The District has agreed to cooperate with the California Department of Fish and Game in the investigation and analysis of the fish blockage at the Collierville Afterbay Dam and to make every reasonable effort to assist in the solution of the problem.

6. The District has agreed that if recruitment in the North Fork Stanislaus River is found by the California Department of Fish and Game to be adversely affected by operation of the North Fork Project, the District will provide for planting up to 200,000 fingerling rainbow trout annually.

7. The District has agreed to construct and maintain trash racks at the entrances of all tunnels.

8. The District has selected the U. S. Forest Service Road 5N35 from the Avery Dump Road to McKays as the primary access route to the McKays Point Diversion facilities.

9. The District has agreed to plant about 30 acres of under-stocked or non-stocked commercial forest lands on the Stanislaus National Forest.

10. The District has agreed to bear the financial responsibility of constructing, operating, and maintaining recreational facilities at Spicer Meadow Reservoir.

11. The individual transmission line towers, to the extent possible, will be located in a manner which mitigates their adverse visual and aesthetic impact.

21. This order contains a term requiring compliance with this procedure.

The Board finds that there is no certainty that the loss of the wildlife habitat at Gabbot Meadows will be fully mitigated. It is concluded, however, that the need for additional electrical power and the funds that will be made available for the development of future water supply projects (as a consequence of construction of the hydroelectric plant) outweighs any unmitigated affects on wildlife habitat at Gabbot Meadows. The Board has reviewed and considered the information contained in the SEIR prior to the adoption of this order.

Other Environmental Effects

Testimony was presented during the hearings held by the Board that:

1. The project will significantly reduce spring flows and could result, eventually, in sedimentation of gravels and the reduction of aquatic organisms.

2. Placement of the Collierville Power Plant Afterbay could eliminate the more placid waters used for embarking on whitewater runs. Such waters are necessary for safe entry onto the river.

3. Releases from proposed impoundments will result in higher and cooler flows during those months during the summer when it is possible, normally, to swim in the river.

Provision number 9 of this Order will mitigate effects 1 and 2. If waters are to be kept at temperatures optimum for trout, the temperatures will be too cool for many swimmers.

Conserving Public Welfare

As discussed previously, State policy declares that the general welfare requires that the water resources of the State be beneficially used to the fullest extent. Decision 1114 granted the petitioners the right to develop the North Fork of the Stanislaus because the petitioner proposed to more fully develop the water in question. In response to environmental considerations, the scope of the proposed hydroelectric project has been reduced from that originally approved by the Board.

Protestants have questioned whether the petitioner has a need, currently, for the water supply projects that could be paid for with funds from construction of the hydroelectric project. Testimony by representatives of the petitioner plainly showed an immediate need to develop water to be available for consumptive uses in the next five to ten years. The need for additional water for such use in the longer term was also shown.^{22/} The proposed hydroelectric project will make funds available to the petitioner for the development of water supply projects.

The Northern California Power Association (Association)^{23/} consists of eleven municipal utilities and one rural cooperative.

22. Testimony of Mr. Steve Felte, March 22, 1979, Hearing Transcript, p. 215 et seq., and April 17, 1979, Hearing Transcript, p. 347 et seq.

23. Redding, Lompoc, Biggs, Gridley, Roseville, Lodi, Ukiah, Healdsburg, Alameda, Palo Alto, Santa Clara and the Plumas Sierra Cooperative.

The Association is seeking to reduce its dependence upon the Pacific Gas & Electric Company as its supplier. In conjunction with its development of power from geothermal sources for base load power needs, the Association wishes to acquire power from the petitioner for peak loading needs.^{24/}

The Association has entered into a Memorandum of Understanding (Memo) with the petitioner. In general, the Memo provides that the Association will advance funds for pre-construction costs, including the costs of obtaining necessary governmental approvals; the Association will pay \$12,500,000 after approvals are obtained from the Board and the Federal Energy Regulatory Commission; and the Association will make monthly payments of \$17,000 upon full operation of the hydroelectric facilities. The Association will, of course, receive the power. Finally, the Memo provides that the petitioner may reserve 5,000 acre-feet per annum (afa) for present use above McKay's Point and, at the petitioner's option, this amount may be increased to 8,000 afa in 20 years.

The petitioner will divide the funds received from the Association among the supervisorial districts to pay one-half of the cost of local water supply projects. The local electorate would have to approve the indebtedness to finance the remaining half of any local water project.^{25/}

24. Testimony of Normal A. Hill, April 18, 1979, Hearing Transcript, p. 608, et seq.

25. CCWD Exhibit No. 3.

Although the petitioner would obtain no local electric benefit from the power project, the Association service areas will receive the produced power. The petitioner will benefit only from the funds made available from the project and from the fact that some of the project facilities could be used conjunctively with future water supply projects. The record contains substantial evidence showing that there is a statewide need for more electric power.

In summary, the statewide need for increased electric power makes production of additional power desirable; the project will make funds available for future water supply projects and measures will be implemented to mitigate the projects' significant environmental effects.

We conclude, therefore, that the proposed project will implement state legislative policy encouraging the maximum beneficial use of the water resources of the State in the public interest.

Due Diligence

The protestants contend that the petitioner has failed to proceed with due diligence on those permits for which no environmental documents have been prepared and for which voter approval must be obtained for financing water projects.

The Board found in Order WR 78-2 that petitioner was proceeding diligently. Throughout, the petitioner's approach has been to develop the hydroelectric project first and then the water supply projects.^{26/} Since July 28, 1978, the date of the adoption of Order WR 78-2, the petitioner has adopted an SEIR, obtained voter approval, and petitioned this Board for permit changes. The power contract with the Association will, finally, provide the petitioner with funds to develop and use its permits for water supply projects. Accordingly, we find that the petitioner is acting diligently with regard to these permits, as well as the hydroelectric project. This Order, however, will include conditions to establish specific criteria for determining the petitioner's diligence in the future.

Additional Findings

Order WR 75-1 placed the petitioner on notice that at the time the Board acts upon the definitive project, it may amend the permits to conform with any revisions to the project. With the exception of permitted Application 13092, the petitions for change, as amended during the hearings, seek to revise the permits to conform to the revised project. Permitted Application 13092 lists Collierville Boards Crossing, Big Trees, and Sand Flat Powerhouses as places of use. This permit should be revised to list only Collierville and New Spicer Powerhouses as places of use.

26. See Decision 1114, p. 7; Decision 1226, p. 5 and Order WR 75-1.

CONCLUSIONS

It is concluded from the foregoing that (1) the prerequisite requirements (set forth in Orders WR 75-1, WR 76-11 and WR 78-2) for granting time extensions for construction have been met for the hydroelectric project and the features of those water supply projects integral to the hydroelectric project; (2) subject to special conditions to protect the public welfare and to mitigate environmental effects the permits for the hydroelectric project and features of the water supply projects integral to the hydroelectric project should be changed to conform to the planned project; (3) action on the time extensions and petitions for change for the remaining features of the water supply projects should be postponed until environmental documents have been prepared; and (4) that the petitioners should be required to prepare the environmental documents for the remaining water supply projects by a date certain.

ORDER

NOW, THEREFORE, IT IS ORDERED that:

1. Permitted application 13092 is amended to list only the Collierville and New Spicer Powerhouses as places of use.
2. Time extensions for constructing the hydroelectric project are granted for permitted applications 12911, 13092, 13093, 18727 and 19148. Time extensions for constructing the features of the water supply projects integral to the hydroelectric project are granted for permitted Applications 11792 (as it pertains to the North Fork of the Stanislaus River), 12910, 12912, 13091, 18728, and 19149.

Upon completion of the litigation concerning the adequacy of the SEIR, the Board will establish dates for the commencement and completion of construction and for applying the water to the proposed use for permitted Applications 12911, 13092, 13093, 18727 and 19148.

3. The petitioned changes for the hydroelectric project in permitted Applications 12911, 13093 and 19148 are approved and the permits shall be amended to include the following conditions:

a. The amount of water to be appropriated under permitted Application 12911 for power purposes shall be limited to the amount which can be beneficially used and shall not exceed 400 cfs by direct diversion year-round and 78,500 afa by storage to be collected from about November 1 of each year to about July 1 of the succeeding year in the amounts and at the locations specified as follows:

(1) 400 cfs by direct diversion and 2,200 afa by storage at McKay's Point Reservoir.

(2) 76,300 afa by storage at Spicer Meadow Reservoir.

b. The amount of water to be appropriated under permitted Application 13⁷~~903~~ shall be changed from municipal to power purposes and shall be limited to the amount that can be beneficially used and shall not exceed 50,050 afa by storage to be collected from about November 1 of each year to about July 1 of the succeeding year as follows:

(1) 49,700 afa at Spicer Meadow Reservoir.

(2) 350 afa at North Fork Diversion Dam Reservoir.

c. The amount of water to be appropriated under permitted Application 18727 for power purposes shall be limited to the amount that can be beneficially used and

shall not exceed 700 cfs year-round by direct diversion and 25 afa to be collected from about November 1 of each year to about July 1 of the succeeding year as follows:

(1) 60 cfs by direct diversion and 25 afa by storage at Beaver Creek Diversion Dam and Reservoir.

(2) 640 cfs by direct diversion at McKay's Point Diversion.

d. The amount of water to be appropriated under permitted Application 19148 for power purposes shall be limited to the amount which can be beneficially used and shall not exceed 940 cfs year-round by direct diversion and 52,000 afa by storage to be collected from about November 1 of each year to about June 30 of the succeeding year as follows:

(1) 600 cfs by direct diversion and 52,000 afa by offstream storage at Spicer Meadow Reservoir at a maximum rate of 1,000 cfs from North Fork Stanislaus River at North Fork Diversion Dam.

(2) 340 cfs by direct diversion from Beaver Creek Diversion Dam.

(3) 52,000 afa by storage from Highland Creek at Spicer Meadow Reservoir, provided the amount collected to storage at Spicer Meadow Reservoir shall not exceed 52,000 afa from the combined diversion from North Fork Stanislaus River and Highland Creek.

4. The petitioned changes for the features of the water supply projects integral to the hydroelectric project in permitted Applications 11792, 18728 and 19149 are approved. The permits shall be amended to include the following conditions:

a. The amount of water to be appropriated under permitted Application 11792, as it pertains to North Fork Stanislaus River, for municipal and industrial purposes shall be limited to the amount which can be beneficially used and shall not exceed 78,500 acre-feet per annum (afa) by storage to be collected from about November 1 of each year to about July 1 of the succeeding year in the amounts and at the locations specified as follows:

(1) 76,300 afa at Spicer Meadow Reservoir.

(2) 2,200 afa at McKay's Point Reservoir.

b. The amount of water to be appropriated under permitted Application 18728 for irrigation, domestic and stockwatering purposes shall be limited to the amount that can be beneficially used and shall not exceed 600 cfs by direct diversion to be diverted from about March 1 to July 1 of each year and 9,100 afa by storage to be collected from about November 1 of each year to about July 1 of the succeeding year. This diversion may be made as follows:

(1) 10 cfs from Beaver Creek Diversion Dam.

(2) 9,100 afa by storage at Spicer Meadow Reservoir.

(3) 590 cfs by direct diversion at McKay's Point Diversion Dam.

c. The amount of water to be appropriated under permitted Application 19149 for irrigation, domestic and stockwatering purposes shall be limited to the amount that can be beneficially used and shall not exceed 365 cfs by direct diversion to be diverted from about March 1 to July 1 of each year and 79,200 afa by storage to be collected from about November 1 of each year to about June 30 of the succeeding year as follows:

(1) 25 cfs to be diverted at McKay's Point Diversion Dam.

(2) 340 cfs to be diverted at Beaver Creek Diversion Dam.

(3) 350 afa by storage at North Fork Diversion Dam.

(4) 41,850 afa by storage at Spicer Meadow Reservoir.

(5) 37,000 afa by offstream storage at a maximum rate of diversion of 1,000 cfs from North Fork Stanislaus River to Spicer Meadow Reservoir.

5. The maximum amount of water to be diverted for storage under all permits during any one season shall not exceed:

a. 189,000 acre-feet at Spicer Meadow Reservoir.

b. 350 acre-feet at North Fork Diversion.

c. 400 acre-feet at Ramsey's Diversion.

- d. 2,200 acre-feet at McKay's Diversion Dam.
- e. 25 acre-feet at Beaver Creek Diversion Dam.
- 6. All permits shall be subject to standard permit conditions 6, 10, 11, 12 and 13.*
- 7. The following special condition shall be included in the permits to appropriate water on the North Fork of the Stanislaus River and its tributaries:

"This permit is subject to the terms of the agreement dated March 16, 1969, between the Department of Fish and Game and the permittee."

- 8. The following conditions shall be included in all permitted applications:

- a. Permittee shall install and maintain outlet pipes of adequate capacity in all dams as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering each reservoir which is not authorized for appropriation under this permit may be released.

- b. Permittee shall install and maintain devices satisfactory to the Board to measure (a) water diverted into Spicer Meadow Reservoir from the North Fork Diversion Dam, and (b) water released from or flowing out of Spicer Meadow Reservoir.

- c. Construction of the storage dams shall not be commenced until the Department of Water Resources has approved plans and specifications.

- d. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoirs of all structures, trees and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

*The Board maintains a list of standard permit terms. Copies are available upon request.

9. The environmental impacts of the project shall be mitigated by including the following conditions in the appropriate permits:

a. Except for dry years, as defined in Paragraph 10 of the agreement dated March 16, 1979, between Fish and Game and the permittee, the permittee, at intervals not to exceed five years, will provide flushing flows averaging 200 percent of the average annual flow or averaging 1,000 cfs whichever is greater for 30 consecutive days during the period from March 1 to May 31 in the North Fork Stanislaus River at the Avery Gage, unless such flows occur naturally. Releases from storage will be made for this purpose to the extent that it does not interfere with the maintenance of water surface elevations in Spicer Meadow Reservoir as provided for in Paragraph 9 of the agreement.

b. The permittee shall establish a swimming beach, access and parking at the Collierville Afterbay or some other suitable location on the river.

c. The Collierville Afterbay shall be located and operated in such a manner as to not interfere or degrade the current raft embarkment area on North Fork Stanislaus River located immediately below PG&E's Stanislaus Powerplant Afterbay.

d. A multiport outlet shall be constructed and operated on New Spicer Meadow Reservoir under specifications approved by the Department of Fish and Game to control the temperature of water released from the reservoir to optimize conditions for trout production in the North Fork, unless proven unnecessary (to the satisfaction of the Department) by the temperature analysis study of North Fork Stanislaus River to be conducted by the permittee.

10. Until environmental documents are prepared, no decision will be made on the petitions for change and extensions of time for commencing construction of features of water supply projects unrelated to the hydroelectric project for permitted Applications 11792, 12910, 12912, 13091, 18728, and 19149. Failure to complete final environmental documents for the water supply projects by December 1, 1983, may be viewed as failure to proceed with due diligence to construct the facilities necessary to put the water to use under permitted Applications 11792, 12910, 12912, 13091, 18728 and 19149.

11. The foregoing approvals, conditional approvals, and time extensions pertaining to the petitioner's planned hydroelectric project and permits for the water supply projects being an integral part of the hydroelectric project shall not become effective until the SEIR is determined, finally, by a court of competent jurisdiction to comply with Provision 13, Section 21000 et seq., Public Resources Code.

No construction work shall be commenced pursuant to any approval herein given until the SEIR is determined, finally, by a court of competent jurisdiction to comply with Section 21000, et seq. The Board may reconsider this order if it is finally determined the SEIR does not fully comply with Section 21000, et seq.

12. Staff is directed to issue amended permits on Applications 11792, 12919, 12911, 12912, 13091, 13092, 13093, 18727, 18728, 19148 and 19149, updating the permit format to current standards.

Dated: March 20, 1980

WE CONCUR:

ABSENT

William J. Miller,
Vice Chairman

ABSENT

Carla M. Bard, Chairwoman

L. L. Mitchell

L. L. Mitchell, Member

J. B. Dunlap

J. B. Dunlap, Member

F. K. Aljibury

F. K. Aljibury, Member

TABIE 1.
SUMMARY OF APPLICATIONS OF CALAVERAS COUNTY WATER DISTRICT TO APPROPRIATE
WATER FROM STANISLAUS RIVER AND TRIBUTARIES AS AMENDED BY PETITIONS FILED 12-1-60

Appl. No.	Date filed	Source	Location of Point of Diversion			Direct Diversion	Storage		Purpose	Place of Use		
			Name	Sec.	Tr.		Rg.	cfa			Season	a/a
11752	3-24-47	NP Stanislaus	Ganna	SE	NE	4	6N 17E	-	52,000	10/1-7/1	I, D, In, R	150,449 acres (net) within service areas 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15 of CWD and foothill area
			Squaw Hollow	NE	NW	2	4N 15E	-	2,000	10/1-7/1		
			Big Trees	NE	SW	18	5N 16E	-	24,500	10/1-7/1		
12537	6-7-43	Black Creek	Black Res.	NE	NW	1	1N 12E	-	3,000	11/1-4/1	I, D	50,000 (net) acres southward Calaveras County
12910	1-25-49	NP Stanislaus Stanislaus	Squaw Hollow	NE	NW	2	4N 15E	400	3/1-10/31	-	I, D, S	124,073 acres (net) within service areas 3, 7, 8, 9, 10, 11, 12, 14, 15.
			Goodwin	SE	NE	10	13 12E	400				
12911	1-25-49	NP Stanislaus	Ganna	SE	NE	4	6N 17E	400	1/1-12/31	10/1-7/1	P	Big Trees Powerhouse
			Squaw Hollow	NE	NW	2	4N 15E			10/1-7/1		Boards Crossing Powerhouse
			Big Trees	NE	SW	18	5N 16E			10/1-7/1		Collierville Powerhouse
12912	1-25-49	NP Stanislaus	Ramsey	SE	NW	23	6N 16E	10	1/1-12/31		M	Towns within Calaveras County Ebbetts Pass Domestic System
13091	5-13-49	Highland Cr.	Spicer Meadows	NW	NE	9	6N 18E		63,000	10/1-7/1	I, D, S	39,078 acres (net) within service areas 3, 7, 8, 9, 10, 11, 12, 15
13092	5-13-49	Highland Cr.	Spicer Meadows	NW	NE	9	6N 18E		63,000	10/1-7/1	P	San Flat, Boards Crossing Big Trees and Collierville Powerhouses
13093	5-13-49	Highland Cr.	Spicer Meadows	NW	NE	9	6N 18E		23,000	10/1-7/1	M	Towns within Calaveras County W.D.
			Big Trees	NE	SW	18	5N 16E		40,000	10/1-7/1		
13727	5-20-59	Beaver Cr.	Upper	NE	SW	16	5N 16E	60	1/1-12/31	10/1-7/1	P	Big Trees Powerhouse
		Beaver Cr.	Lower	NW	SE	36	5N 15E	60	1/1-12/31			Collierville Powerhouse
		NP Stanislaus	Big Trees	NE	SW	18	5N 16E	640	1/1-12/31	10/1-7/1		

Revoked by Board Order WR 75-1

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Dillac Drive, Sacramento, CA 95825

(920) 920-6151



NOTICE OF PETITION TO CHANGE

Permit 15013 issued pursuant to Application	11792 ✓
15016 " " " "	12911 ✓
15020 " " " "	13093 ✓
15021 " " " "	18727
15022 " " " "	18728
15023 " " " "	19148
15024 " " " "	19149 ✓

Notice is hereby given that:

Calaveras County Water District
P. O. Box 846
San Andreas, CA 95249

Petitioned the State Water Resources Control Board for changes in the above noted water right permits as follows:

1. Permit 15013 (A-11792) presently allows diversion from North Fork Stanislaus River tributary to Stanislaus River.

Points of diversion within:

- a. SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Projected Section 4, T6N, R17E, MDB&M (Ganns Reservoir)
- b. NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2, T4N, R15E, MDB&M (Squaw Hollow Reservoir)
- c. NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18, T5N, R16E, MDB&M (Big Trees Reservoir)
- d. Spicer Meadows Reservoir

Points of redirection:

- a. Goodwin Dam
- b. Esperanza Dam
- c. N 200 feet E 820 feet from NE corner of Section 2, T3N, R10E, MDB&M.
(Below New Hogan)

In the counties of Calaveras and Tuolumne

In the amount of: 78,500 acre-feet per annum.

Purposes: Irrigation, domestic, industrial & recreational

Diversion season: November 1 to July 1

Place of use described: A gross irrigable area of 248,030 acres including:

1. Scotts Reservoir serving areas within: T4N, R13E; T4N, R12E; T3N, R12E, all from MDB&M.
2. Esperanza Reservoir serving areas within: T5N, R13E, MDB&M.
3. Jesus Maria Reservoir serving areas within: T5N, R13E; T4N, R13E; T5N, R12E; T4N, R12E; T4N, R11E, all from MDB&M.

TABLE I Cont.
SUMMARY OF APPLICATIONS OF CALAVERAS COUNTY WATER DISTRICT TO APPROPRIATE
WATER FROM STANISLAUS RIVER AND TRIBUTARIES AS AMENDED BY PETITIONS FILED-12-7-60

Appl. No.	Date filed	Source	Location of Point of Diversion	Name	Sec.	Tr.	Rg.	cfs	Season	afa	Storage	Purposed	Place of Use
18728	5-20-59	Beaver Cr. Beaver Cr. NP Stanislaus NP Stanislaus Stanislaus	NW SE 36 5N 15E NE SW 16 5N 16E NE SW 13 5N 16E NE NW 2 4N 15E SE NE 10 1S 12E	Lower Upper Big Trees Squaw Hollow Goodwin	10	3/1-10/31		590 ^c 590 ^c 590 ^c 590 ^c 590 ^c	3/1-10/31 3/1-10/31 3/1-10/31 3/1-10/31 3/1-10/31	13,100 ^d 9,100 20,000 ^e 151,440 52,000 ^e 27,200 52,000 ^e	11/1-8/1 11/1-8/1 11/1-8/1 11/1-8/1 11/1-6/30 11/1-6/30 11/1-6/30	I, D, S I, D, S I, D, S I, D, S I, D, S I, D, S I, D, S	124,078 acres (net) with service areas 5,7,8,9,10,12,14,15 of CCVD and Foothill Area Sand Flat, Boards Crossin Big Trees and Collierville Powerhouses
19143	12-23-59	NP Stanislaus Beaver Cr. NP Stanislaus Highland Cr.	SW SE 20 5N 13E NE SW 16 5N 16E NE SW 13 5N 16E NW NE 9 6N 13E	Silver Cr. Upper Big Trees Spicer M.	600 340 10 13E	1/1-12/31 1/1-12/31 1/1-12/31 1/1-12/31		590 ^c 590 ^c 590 ^c 590 ^c	1/1-12/31 1/1-12/31 1/1-12/31 1/1-12/31	52,000 ^e 27,200 52,000 ^e 52,000 ^e	11/1-6/30 11/1-6/30 11/1-6/30 11/1-6/30	I, D, S I, D, S I, D, S I, D, S	Same as Application 13728
19145	12-23-59	NP Stanislaus Beaver Cr. Stanislaus NP Stanislaus NP Stanislaus	NE NW 2 4N 15E NW SE 36 5N 16E SE NE 10 1S 12E SE NW 13 5N 16E SW SE 20 5N 13E	Squaw Hollow Lower Goodwin Big Trees Silver Cr.	25 ^e 340 25 ^e 10 10	3/1-10/31 3/1-10/31 3/1-10/31 3/1-10/31 3/1-10/31		590 ^c 590 ^c 590 ^c 590 ^c 590 ^c	3/1-10/31 3/1-10/31 3/1-10/31 3/1-10/31 3/1-10/31	42,200 37,000 42,200 37,000 37,000	11/1-6/30 11/1-6/30 11/1-6/30 11/1-6/30 11/1-6/30	I, D, S I, D, S I, D, S I, D, S I, D, S	Same as Application 13728

- a I - Irrigation; D - Domestic; S - Stockwatering; P - Power; In - Industrial; R - Recreational; M - Municipal
b Esperanza portion of Service Area 12 (See Plate I-2, CC Ex. 3)
c Combined diversion from any one or a combination of points of diversion
d Petitions of 12-7-60 amended to show 13,100 acre-feet from Beaver Creek in accordance with information received at hearing. (CC Ex. 3, Table 111-5 and opening brief of Calaveras County)
e Offstream storage in Jesus Maria Reservoir

25,000	10/1-1/1	
40,000	10/1-1/1	
11,100 ^d	10/1-1/1	
12,500	10/1-1/1	

4. O'Neils Reservoir serving areas within: T5N, R14E; T4N, R14E; T4N, R13E; T5N, R13E, all from MDB&M.
5. McCarthy Reservoir serving areas within: T6N, R13E; T5N, R13E; T6N, R12E; T5N, R12E; T5N, R11E; T4N, R11E; T5N, R10E, all from MDB&M.
6. Ganns, Big Trees, Squaw Hollow, and Spicer Meadows serving areas within: T2N, R11E; T3N, R10E; T2N, R11E; T1N, R11E; T1S, R11E; T1S, R12E; T1S, R10E; T1N, R10E; T1N, R9E.

Recreation use at the sites of the above described reservoirs.

DESCRIPTION OF PROPOSED CHANGE:

- (1) To change the purposes of use to municipal and irrigation.
- (2) To add a point of diversion (at McKay's Point Diversion Dam) described as follows: S63°E, 2000 feet from NW corner of Section 2, T4N, R15E, MDB&M, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 2.
- (3) To change the distribution of storage by deleting Ganns and Big Trees Reservoirs from this permit and redistributing that storage to reservoirs as follows:
 - a. 32,000 afa from Ganns to Spicer Meadows
 - b. 200 afa from Big Trees to McKay's Point
 - c. 24,300 afa from Big Trees to Spicer Meadows
 - d. 2000 afa from Squaw Hollow to McKay's Point Diversion Dam

Therefore, the water to be appropriated under Permit 15013 would be collected and stored in the following amounts and locations:

- a. 2,200 afa at McKay's Point
- b. 76,300 afa at Spicer Meadows

- (4) Change the points of rediversion under this permit to the following points:

- a. McKay's Point Diversion Dam
- b. Ramsey Diversion Dam

2. Permit 15016 (A-12911) presently allows diversion from North Fork Stanislaus River tributary to Stanislaus River.

Point of direct diversion within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Projected Section 4, T6N, R17E, MDB&M. (Ganns Reservoir)

Points of diversion to storage within:

- a. SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4, T6N, R17E, MDB&M. (Ganns Reservoir)
- b. Section 2, T4N, R15E, MDB&M. (Squaw Hollow Reservoir)
- c. NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18, T5N, R16E, MDB&M. (Big Trees Reservoir)
- d. SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 3, T6N, R18E, MDB&M. (Spicer Meadows Reservoir)

In the County of Calaveras and Tuolumne.

In the Amount of: 400 cubic feet per second by direct diversion, and 78,500 acre-feet per annum by collection to storage.

Purposes: Power

Diversion Season: January 1 to December 31 (Direct Diversion)
November 1 to July 1 (Storage)

Place of use described:

1. Boards Crossing Power House being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33, T6N, R16E, MDB&M.
2. Big Trees Power House being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35, T5N, R15E, MDB&M.
3. Collierville Power House being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6, T3N, R15E, MDB&M.
4. Sand Flat Power House being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35, T7N, R17E, MDB&M.

DESCRIPTION OF PROPOSED CHANGE:

1. To add McKay's Point Diversion Dam as a point of diversion described as follows: S63°E, 2,000 feet from NW corner of Section 2, T4N, R15E, MDB&M, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 2.
2. To add McKay's Point Diversion Dam as point of redistribution.
3. To change the distribution of storage under Permit 15016 by deleting Ganns and Big Trees Reservoirs and redistributing their storage to reservoirs as follows:

- a. 32,000 afa from Ganns to Spicer Meadows
- b. 18,300 afa from Big Trees to Spicer Meadows
- c. 200 afa from Big Trees to McKay's Point
- d. 2000 afa from Squaw Hollow to McKay's Point Diversion Dam

(4) Therefore, the appropriated water under this permit will be collected and stored in the amounts and locations specified as follows:

- a. 2,200 afa at McKay's Point
- b. 76,300 afa at Spicer Meadows

2. 4. To change the place of use to the following:

- a. Collierville Power House within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6, T3N, R15E, MDB&M.
- b. New Spicer Meadows Power House within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9, T6N, R18E, MDB&M.

3. Permit 15020 (A-13093) presently allows diversion from Highland Creek and North Fork Stanislaus River tributaries to North Fork Stanislaus River and Stanislaus River respectively.

Point of diversion within:

- a. NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9, T5N, R18E, MDB&M. (Spicer Meadow)
- b. NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18, T5N, R16E, MDB&M. (Big Trees)

In the Counties of Calaveras and Tuolumne.

In the amount of 58,000 acre-feet per annum by collection to storage.

Purposes: Municipal

Diversion Season: November 1 to July 1

Place of use described: The following municipalities to be served under this permit: Altaville, Angels Camp, Arnold, Dorrington, Hathaway Pines, Mountain Ranch Murphys, San Andreas, Sheep Ranch, Vallecita, White Pines, and others not specifically named here.

DESCRIPTION OF PROPOSED CHANGE:

1. To change the purpose of use to power.
2. To add North Fork diversion, on North Fork Stanislaus River, as a point of diversion described as follows: 1500 feet west from the SE corner of Section 20, T6N, R18E, MDB&M, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 20.
3. To delete Big Trees Reservoir.
4. To change the distribution of storage under Permit 15020 by redistributing Big Trees Reservoir 35,000 acre-feet storage as follows:
 - a. 26,700 afa to Spicer Meadow
 - b. 350 afa to North Fork Diversion Dam
 - c. 7,950 afa to be delete from permit

Therefore, the water to be appropriated under the above permit will be collected and stored in the amounts and locations described as follows:

- a. 49,700 afa at Spicer Meadow
- b. 350 afa at North Fork Diversion Dam
5. To change the place of use to the following:
 - a. Collierville Power House within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6, T3N, R15E, MDB&M.
 - b. New Spicer Meadow Power House within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9, T6N, R18E, MDB&M.
6. To add McKay's Point Diversion Dam as a point of redirection.
4. Permit 15021 (A-18727) presently allows diversion from Beaver Creek and North Fork Stanislaus River tributaries to Stanislaus River.

Points of direct diversion and point of diversion to offstream storage within:

1. NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, T5N, R16E, MDB&M. (Upper Beaver Diversion; direct and offstream storage)
2. NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, T5N, R15E, MDB&M. (Lower Beaver Diversion; direct)

Point of diversion to storage within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18, T5N, R16E, MDB&M. (Big Trees Reservoir)

Points of rediversion: (1) Big Trees Reservoir (2) Squaw Hollow Reservoir.

In the Counties of Calaveras and Tuolumne.

In the amount of 700 cubic feet per second by direct diversion and 25,900 acre-feet per annum by collection to storage.

Purposes: Power

Diversion Season: January 1 to December 31 (Direct Diversion)
and November 1 to July 1 (Storage)

Place of use described:

- a. Big Trees Power House - NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35, T5N, R15E, MDB&M.
- b. Collierville Power House - SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6, T3N, R15E, MDB&M.

DESCRIPTION OF PROPOSED CHANGE:

1. To change the distribution of storage by deleting Big Trees Reservoir and redistributing that storage as follows:
 - a. 25 afa to be stored at Beaver Creek Diversion Dam.
 - b. Delete 12,800 afa on-stream storage at Big Trees Reservoir.
 - c. Delete 13,075 afa off-stream storage at Big Trees Reservoir.
2. To change the points of diversion and rediversion by deleting Big Trees and Squaw Hollow Reservoirs and by adding McKay's Point Diversion Dam which is described as follows: S63°E, 2,000 feet from NW corner of Section 2, T4N, R15E, MDB&M, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 2.
3. To change the point of diversion by deleting Upper and Lower Beaver Creek Diversions and by adding New Beaver Creek Diversion described as follows: S20°E, 1,000 feet from NW corner of Section 1, T4N, R15E, MDB&M, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 1.
4. To delete Big Trees Power House and include only Collierville Power House in the place of use under this permit. Collierville Power House is located within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6, T3N, R15E, MDB&M.
5. Permit 15022 (A-18728) presently allows diversion from (a) Beaver Creek tributary to North Fork Stanislaus River (b) North Fork Stanislaus River tributary to Stanislaus River and (c) Stanislaus River tributary to San Joaquin River.

Points of Diversion:

- a. Beaver Creek: within NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 36, T5N, R15E, MDB&M. (Lower Beaver diversion)
- b. Beaver Creek: within NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 16, T5N, R16E, MDB&M. (Upper Beaver diversion)
- c. N. F. Stanislaus River, direct diversion, diversion to offstream storage, and redirection: within NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 2, T4N, R15E, MDB&M, Calaveras County. (Squaw Hollow Reservoir).
- d. Stanislaus River, Existing Goodwin Dam: within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10, T1S, R12E, MDB&M. (Point of direct diversion and redirection of stored water)
- e. Point of redirection on Littlejohns Creek: within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2, T1S, R12E, MDB&M.
- f. N. F. Stanislaus: within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18, T5N, R16E, MDB&M. (Big Trees)
- g. Point of diversion to offstream storage in Littlejohns Reservoir from Stanislaus River: within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, T1S, R13E, MDB&M (Tulloch Reservoir)
- h. Point of redirection on Jesus Maria Creek: within Section 23, T5N, R13E, MDB&M. (Jesus Maria Reservoir)

In the Counties of Calaveras and Tuolumne.

In the amount of 600 cubic feet per second by direct diversion and 193,640 acre-feet per annum by collection to storage.

Purposes: Irrigation, domestic and stockwatering.

Diversion Season: March 1 to July 1 (Direct Diversion)
November 1 to July 1 (Storage)

Place of use described: A gross irrigable area of 206,460 acres including:

1. Scotts Reservoir serving areas within: T4N, R13E; T4N, R12E; T3N, R12E, all from MDB&M.
2. Esperanza Reservoir serving areas within: T5N, R13E, MDB&M.
3. Jesus Maria Reservoir serving areas within: T5N, R13E; T4N, R13E; T5N, R12E, T4N, R12E; T4N, R11E, all from MDB&M.
4. O'Neils Reservoir serving areas within: T5N, R14E; T4N, R14E; T4N, R13E; T5N, R13E, all from MDB&M.
5. Littlejohns Reservoir serving areas within: T2N, R9E; T2N, R10E; T2N, R11E; T1R, R11E; T1S, R11E; T1S, R12E; T1N, R10E; T1S, R10E, all from MDB&M.
6. Big Trees Reservoir serving areas within: T3N, R14E; T3N, R13E; T2N, R13E; T2N, R12E; T3N, R12E, all from MDB&M.

DESCRIPTION OF PROPOSED CHANGE:

1. To change the distribution of storage under Permit 15022 and to delete portions of the permitted amounts as follows:
 - (a) To redistribute 8,700 afa of the Big Trees Reservoir storage to Spicer Meadows Reservoir and 400 afa storage from Big Trees to Ramsey Diversion Dam.

(b) To delete Big Trees, Jesus Maria, and Littlejohns Reservoirs.

2. To change the points of diversion as follows:

- a. To change the point of diversion from the Upper and Lower Beaver Creek Diversions to the Beaver Creek Diversion Dam which is described as follows: S20°E, 1,000 feet from NW corner of Section 1, T4N, R13E, MDB&M, being within NW¼ of NW¼ of said Section 1.
- b. To delete Big Trees Dam as a point of diversion, and to add McKay's Point Diversion Dam and Ramsey Diversion Dam as points of diversion and redirection under this permit. Ramsey Diversion is described as follows: N68° 22' W, 2100 feet from NW corner of Section 23, T6N, R16E, MDB&M.

3. To delete the following points of diversion to off-stream storage: Squaw Hollow, and Tulloch Reservoirs. Also delete the Goodwin Dam as point of diversion.

6. Permit 15023 (A-19148) presently allows diversion from (a) North Fork Stanislaus River tributary to Stanislaus River in the County of Alpine. (b) Beaver Creek tributary to North Fork Stanislaus River in Tuolumne County. (c) North Fork Stanislaus River tributary to Stanislaus River in Calaveras and Tuolumne Counties. (d) Highland Creek tributary to North Fork Stanislaus River in Tuolumne County.

Points of diversion are:

For direct diversion

1. North Fork Stanislaus - within SW¼ of SE¼, Section 20, T7N, R18E, MDB&M. (North Fork Diversion Dam)
2. Beaver Creek - within the NE¼ of SW¼, Section 16, T5N, R16E, MDB&M. (Upper Beaver)

For diversion to storage

1. North Fork Stanislaus River - within NE¼ of SW¼, Section 18, T5N, R16E, MDB&M. (Big Trees)
2. Highland Creek - within NW¼ of NE¼, Section 9, T6N, R18E, MDB&M. (Spicer)

For redirection

1. Ganns Dam - within SE¼ of NE¼ of Projected Section 4, T6N, R17E, MDB&M.
2. Big Trees Dam - within the NE¼ of SW¼ of Section 18, T5N, R16E, MDB&M.
3. Squaw Hollow Dam - within NE¼ of NW¼, Section 2, T4N, R15E, MDB&M.

In the amount of 940 cubic feet per second by direct diversion and 79,200 acre-feet per annum by collection to storage.

Purposes: Power

Diversion Season: January 1 to December 31 (Direct Diversion) and
November 1 to June 30 (Storage)

Place of use described:

- a. Sand Flat Power House being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35, T7N, R17E, MDB&M.
- b. Boards Crossing Power House being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34, T6N, R16E, MDB&M.
- c. Big Trees Power House being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35, T5N, R15E, MDB&M.
- d. Collierville Power House being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6, T3N, R15E, MDB&M.

DESCRIPTION OF PROPOSED CHANGE

1. To change the point of diversion from Upper Beaver Creek Diversion Dam to New Beaver Creek Diversion described as follows: S20° E, 1,000 feet from NW corner of Section 1, T4N, R15E, MDB&M, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 1.
2. To delete 27,200 afa storage at Big Trees Reservoir.

Water therefore appropriated under this permit will be as follows:

- a. 340 cfs by direct diversion at Beaver Creek Diversion.
- b. 600 cfs by direct diversion and 52,000 afa to off-stream storage at Spicer Meadow at a maximum rate of 1,000 cfs from North Fork Stanislaus River at North Fork Diversion.
- c. 52,000 afa by diversion to storage at Spicer Meadow.
3. To change the place of use to include ~~only~~ Collierville Power House under this permit located within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6, T3N, R15E, MDB&M, *and New Spicer Meadows Power House within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 9, T6N, R18E, MDB&M.*
4. To change the points of rediversion by deleting Ganns Dam, Big Trees Dam, and Squaw Hollow Dam as points of rediversion and adding McKay's Point Diversion Dam as a point of rediversion under this permit.
7. Permit 15024 (A-19149) presently allows diversion from (a) North Fork Stanislaus River tributary to Stanislaus River in Alpine, Calaveras and Tuolumne Counties (b) Highland Creek tributary to North Fork Stanislaus River in Tuolumne County (c) Beaver Creek tributary to North Fork Stanislaus River in Tuolumne County (d) Stanislaus River tributary to San Joaquin River in Calaveras and Tuolumne Counties.

Points of Direct Diversion:

1. N. F. Stanislaus - within NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 2, T4N, R15E, MDB&M. (Squaw Hollow)
2. Lower Beaver Creek - within NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 36, T5N, R15E, MDB&M.
3. Existing Goodwin Dam - within SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 10, T1S, R12E, MDB&M.

Diversion to Storage:

1. Highland Creek - within NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 9, T6N, R18E, MDB&M. (Spicers)
2. North Fork Stanislaus - within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18, T5N, R16E, MDB&M. (Big Trees Reservoir)
3. N. F. Stanislaus at Silver Creek - within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20, T7N, R18E, MDB&M. (Diverted to offstream storage in Spicers Meadow Reservoir)

Rediversion of Stored Water:

1. Squaw Hollow Dam - within NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 2, T4N, R15E, MDB&M.
2. Goodwin Dam - within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10, T1S, R12E, MDB&M.

In the amount of 365 cubic feet per second by direct diversion and 79,200 acre-feet per annum by collection to storage.

Purposes: Irrigation, domestic & stockwatering

Diversion Season: March 1 to July 1 (Direct Diversion) and
November 1 to June 30 (Storage)

Place of use described: A gross irrigable area of 206,460 acres including:

- (1) Scotts Reservoir serving areas within: T4N, R13E; T4N, R12E; T3N, R12E, all from MDB&M.
- (2) Esperanza Reservoir serving areas within: T5N, R13E, MDB&M.
- (3) Jesus Maria Reservoir serving areas T5N, R13E; T4N, R13E; T5N, R13E, T4N, R12E; T4N, R11E, all from MDB&M.
- (4) O'Neils Reservoir serving areas within: T4N, R14E; T4N, R14E; T4N, R13E, T5N, R13E, all from MDB&M.
- (5) Big Trees Reservoir serving areas within: T3N, R14E; T3N, R13E; T2N, R13E; T2N, R12E; T3N, R12E, all from MDB&M.

DESCRIPTION OF PROPOSED CHANGE

1. To change the point of diversion from the Lower Beaver Creek Diversion to the New Beaver Creek Diversion described as follows: S20°E, 1,000 feet from NW corner of Section 1, T4N, R15E, MDB&M, being within NW $\frac{1}{4}$ of Section 1.
2. To change the point of diversion from Big Trees Reservoir to Spicer Meadow Reservoir located as follows: N 1225 feet, E 1700 feet to NE corner of Section 9, T6N, R18E, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 9.
3. To delete the Goodwin Dam and Squaw Hollow Dam points of diversion and rediversion and add McKay's Point Diversion Dam and Ramsey Diversion Dam as points of diversion and rediversion.
4. To change the distribution of storage by redistributing:
 - (a) 350 afa from Big Trees to North Fork Diversion.
 - (b) 41,850 afa from Big Trees Reservoir to Spicer Meadow Reservoir.

Therefore water under Permit 15024 will be diverted and stored at the following locations and amounts:

- a. 25 cfs by direct diversion at McKay's Point.
- b. 340 cfs by direct diversion at Beaver Creek Diversion.
- c. 350 afa by storage at North Fork Diversion.
- d. 41,850 afa by storage at Spicer Meadows.
- e. 37,000 afa by off-stream storage at a maximum rate of diversion of 1,000 cfs from North Fork Stanislaus River to Spicer Meadow.

Petitioner represents that these changes involve no change in source and no increase in the amounts of appropriation.

RELATIVE TO PROTESTS

BLANKS UPON WHICH TO SUBMIT PROTESTS WILL BE SUPPLIED FREE UPON REQUEST

Any person desiring to protest the granting of such changes shall within 40 days from date hereof file a written protest with the State Water Resources Control Board, at the above address. A copy of the protest shall be sent to the petitioner. Such protest shall clearly set forth the protestant's objections to the change(s) and shall be on forms provided by the Board.

R. L. Rosenberger, Chief
Division of Water Rights

Dated: Sacramento, California

AUGUST 22 1978

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 11565)	Order:	WR 76-11
and 15013 through 15024 Issued)	Sources:	Stanislaus River
on Applications 11792 et al.,)		and Tributaries
CALAVERAS COUNTY WATER DISTRICT,)	Counties:	Tuolumne, Calaveras,
Permittee.)		Stanislaus and
)		San Joaquin

ORDER GRANTING EXTENSIONS OF
TIME AND REVOKING PERMITS

BY BOARD MEMBER ADAMS:

The time to commence construction work under Permits 11565 and 15013 through 15024 having expired, petitions for extensions of time were filed by the Calaveras County Water District (permittee). A public hearing was held before the State Water Resources Control Board (Board) on March 26, 1974, to determine whether extensions of time should be granted or the permits revoked, following which the Board revoked Permit 15014 and ordered a further hearing when the draft Environmental Impact Statement is complete, but not later than September 1, 1975 (WR 75-1). Following a request by permittee, the Board subsequently ordered reconsideration of the portion of the order which revoked Permit 15014 (WR 75-5).

A further hearing was held on August 27, 1975. As the permittee has not yet completed the environmental review process required by state and federal law, the scope of the

hearing, in respect to the permittee's North Fork project, which is covered by all of the subject permits except Permit 11565, was limited to the following issues: (1) diligence with which the permittee has pursued the project since the hearing of March 26, 1974, (2) ability to proceed, including economic feasibility of the proposed development, and (3) the schedule for obtaining required governmental approval and agreements before commencing construction. Permittee and interested parties having appeared and presented evidence, the evidence having been duly considered, the Board finds as follows:

Permittee's diligence in proceeding with its North Fork project since the hearing of March 26, 1974:

1. At the time of the last hearing the Federal Power Commission (FPC) had denied the permittee's application for a federal power license for the North Fork project. Thereafter, permittee filed a motion for reconsideration and modification of the FPC order denying its application. This motion was granted on July 10, 1974 (RT 19). In accordance with the order granting reconsideration and modification of the FPC order, the permittee was required to file a revised application for a power license along with the required Environmental Impact Statement. An application was filed on March 31, 1975 (RT 20). The next step in the licensing procedure will be hearings before the FPC (RT 25). The permittee has spent over \$800,000 since the hearing of March 26, 1974, on expenditures related to the FPC license application and water rights (RT 26).

2. The permittee has continued its negotiations with prospective power purchasers, including Pacific Gas and Electric Company, Northern California Power Agency, Southern California Edison Company, and the State of California's Department of Water Resources (RT 28).

3. EDAW, Inc., has prepared a report on the environmental impact of the North Fork project as part of its revised application for an FPC power license. The permittee has held a series of meetings with local, state and federal agencies to determine environmental concerns. Over one hundred meetings were held for such purpose since the last hearing. Studies have been made on the environmental impacts of a number of project alternatives (RT 43). The consultant's report is expected to be the basis for an environmental document conforming to the requirements of the National Environmental Policy Act and the California Environmental Quality Act.

Ability to proceed and economic feasibility of North Fork project:

4. The permittee's consulting economist has prepared a report on the power benefits of the North Fork project based on the costs of electrical energy from other sources (RT 54). Assuming a project cost of \$250 million (the estimated 1974 costs of the North Fork project), a 6.5 percent interest rate for bond financing and a 25 percent cost escalation in five years, which is the estimated project construction time, then the cost of the North Fork project hydroelectric development power would be approximately \$65 per kilowatt year. Assuming a bond interest rate of 7.5 percent and a cost escalation of 40 percent, the cost of

North Fork project power would be \$82 per kilowatt year. The most economical alternative to hydroelectric power production is thermal production in a combined single turbine generation plant (RT 57). The cost of this source of energy would be \$87.50 per kilowatt year (RT 59).

5. The estimated total cost of the North Fork project as now revised is \$264 million (RT 94), based on the payment of an interest rate of 6.5 percent on bonds. The annual value of the power that would be produced is estimated at \$23 million. The annual cost of the project, including operation and maintenance and funding is estimated at \$18,848,000. The project will provide water for consumptive use without costs and also provide funds to construct other reservoirs and distribution systems within the County (RT 95).

It should be noted that present federal law precludes tax exemption of interest on revenue bonds issued by public agencies if the power user is a private agency. Under present conditions the bonds could not sell at the low 6.5 percent interest rate if Pacific Gas and Electric Company was the purchaser of the project power because the interest would not be tax exempt. There is a bill before Congress which allows tax exempt interest on bonds for public agency projects where the power is to be sold to privately owned utilities (RT 100). Another problem in financing the permittee's project is that, under state law, bonds issued by a public district such as the permittee must be sold at a price which will net the purchaser an interest rate of not more than 8 percent per year (Government Code Section 53400). Other bonds of a comparable rating are currently yielding over 9 percent.

Permittee's progress schedule:

6. A decision from the FPC on the permittee's application for a power license, following the usual hearings, is expected to be issued in the latter part of 1976 (RT 103).

An agreement has yet to be entered into with the Department of Fish and Game. The permittee is presently negotiating agreements with the State of California, Department of Parks and Recreation, and the United States Forest Service (RT 101). The bond issue to finance the North Fork project will be submitted to the electors at the November 1976 General Elections even though the permittee may not have received approval of its FPC license by that time. The permittee cannot enter into a power sales contract until it receives an FPC license (RT 104). The permittee's present estimate is that construction of the project will commence about March 1, 1978, and be completed January 1, 1981 (RT 96).

Permits 11565 and 15014:

7. Permit 15014 covers a terminal reservoir on Black Creek for the Salt Springs pipeline from the Pacific Gas and Electric Company's Ross Reservoir. The permit authorizes a diversion of 5,000 acre-feet per annum (afa) of Black Creek water for irrigation of 8,400 acres (RT 72, hearing held March 6, 1962). The permittee contends that the proposed reservoir is an integral part of the Calaveras County Water Master Plan and is needed to serve that part of the County (RT 78). However, the most water the creek could yield is 1,000 afa. It appears that a reservoir

is needed at this location as a regulatory facility for imported water from the North Fork project. The permittee should petition the Board to include such a reservoir as a point of rediversion and/or point of offstream storage under one or more of the permits which accurately describe the source of water in question. The permittee does not have a viable plan for a conservation project utilizing only Black Creek water, which is what Permit 15014 covers.

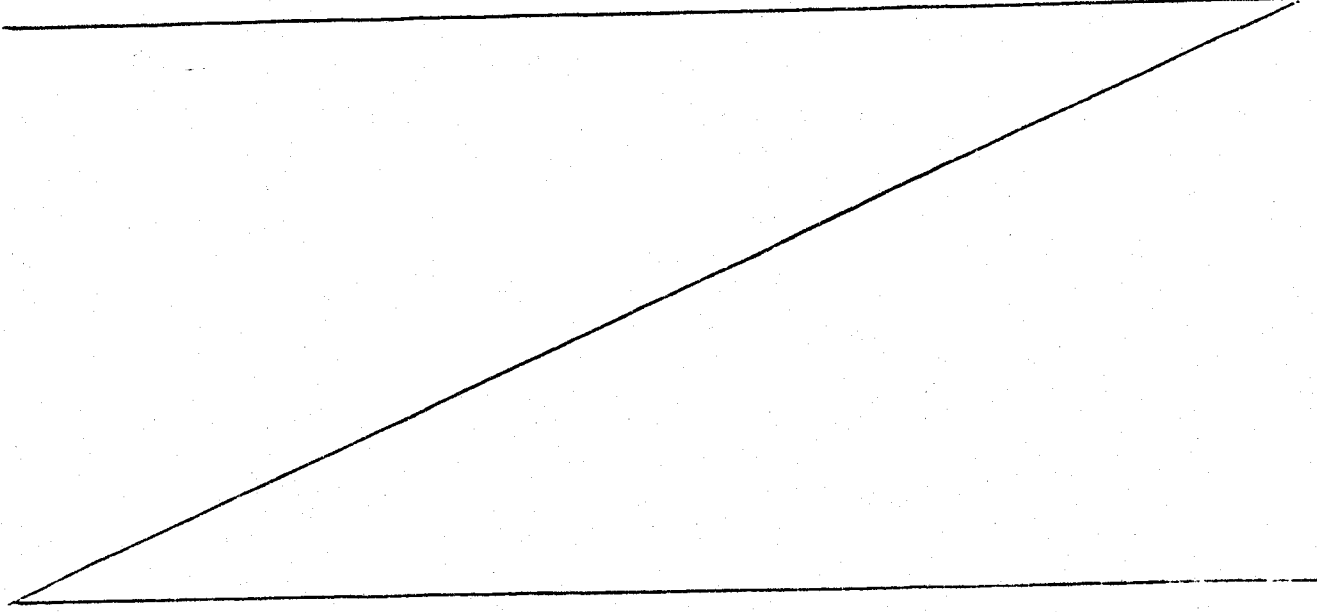
8. Permit 11565 covers a reservoir on Clover Creek and four small reservoirs on Littlejohns Creek. These reservoirs are primarily intended for local farmers in the area. The permittee has assigned 200 acre-feet (af) of the 6,660 af covered by the permit to an individual and the permittee has no present plans to construct the contemplated reservoirs (RT 88).

9. The permittee has failed to exercise due diligence in an effort to commence and complete the necessary construction work and apply water to beneficial use in accordance with Permits 11565 and 15014 and with Division 2 of the Water Code and the regulations of the Board.

10. The permittee's North Fork project will have an effect on the Tri-Dam project constructed by the Oakdale Irrigation District and the South San Joaquin Irrigation District on the Middle Fork of the Stanislaus River (RT 125). Stockton-East Water District is interested in the permittee's project as a possible source of supplemental water (RT 122). The permittee should be required to report quarterly to the Board

regarding progress of discussions with other parties whose projects may be affected by the permittee's plans.

From the foregoing findings it is concluded:

1. That Permits 11565 and 15014 should be revoked.
 2. That permittee has proceeded diligently with efforts to further the project covered by Permits 15013 and 15015 through 15024 since the March 1974 hearing, and that the permittee has made a prima facie showing that it has a feasible project. The permittee should be allowed an extension of time to December 1, 1977, to formulate the details of its project and obtain a purchaser for the project power pursuant to Permits 15013 and 15015 through 15024.
 3. That permittee should be required to report quarterly to the Board, commencing October 1, 1976, regarding the progress of discussions with other parties whose projects may be affected by the permittee's project and with prospective power purchasers.
- 

4. That Permits 15013 and 15015 through 15024 should be revoked without further hearing if the electors fail to approve bonds to finance the permittee's project prior to December 1, 1977, and that the permittee in accepting the time extension agrees to this condition.

IT IS SO ORDERED.

Dated: July 15, 1976

We Concur:

W. W. ADAMS
W. W. Adams, Member

JOHN E. BRYSON
John E. Bryson, Chairman

W. DON MAUGHAN
W. Don Maughan, Vice Chairman

ROY E. DODSON
Roy E. Dodson, Member

JEAN AUER
Jean Auer, Member

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 15013
through 15024 Issued on
Applications 11792 et al,
CALAVERAS COUNTY WATER DISTRICT
Permittee

Order: WR 75-5
Sources: Stanislaus River and
Tributaries
Counties: Tuolumne, Calaveras,
Stanislaus, and San
Joaquin

ORDER GRANTING FOR LIMITED PURPOSE RECONSIDERATION OF
ORDER WR 75-1

Order WR 75-1, adopted on January 16, 1975, allows the permittee further time to pursue work on an environmental impact statement with respect to Permits 15013 and 15015 through 15024. The order provides that further hearing will be held not later than September 1, 1975, to consider whether additional time should then be allowed for formulation of a definitive project.

Order WR 75-1 also directs that Permit 15014 be revoked for reasons set forth in the order.

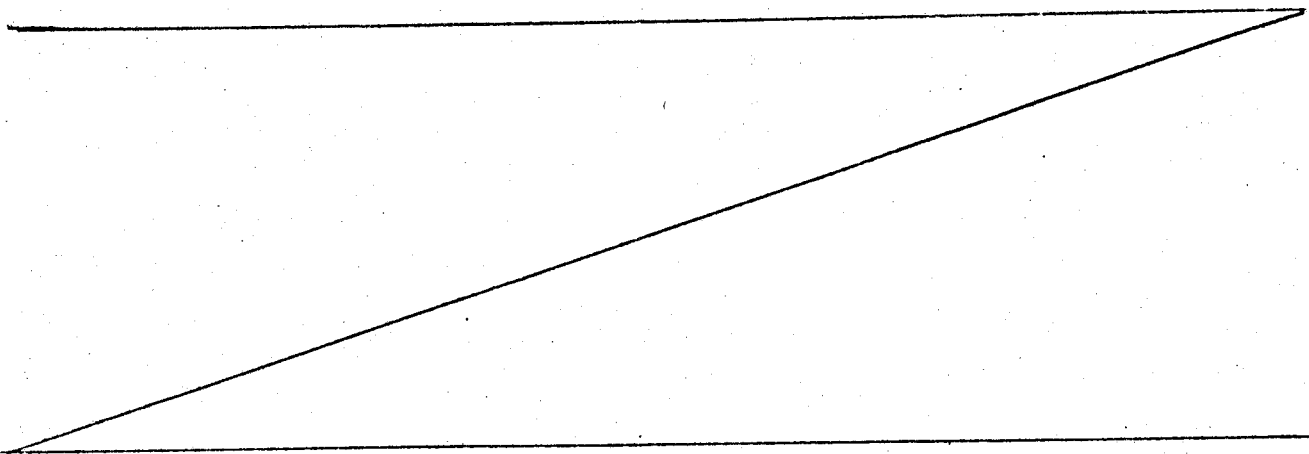
By letter dated February 6, 1975, the permittee commented on Order WR 75-1, stating "... we wish to provide you the following information so that your records are correct...".

Comments a, b, c, and f of the February 6 letter involve interpretations of the hearing record and provide details of events that have transpired since the March 1974 hearing which led up to Order WR 75-1. None of the information provides a basis for reconsideration of Order WR 75-1.

In comment "d" the permittee contends that the role of Black Creek Reservoir in the permittee's overall plan was not explained at the hearing and implies that were the significance of that role a part of the record the revocation of Permit 15014 would not be in order. We agree that the record is lacking as to the significance of Black Creek Reservoir to permittee's project and as to permittee's intent and ability to proceed with construction of that reservoir. Reconsideration should be granted to allow permittee to present further information in this matter.

In comment "e" the permittee questions the intent of the Board to hold further hearing prior to the permittee's receiving comments on the draft EIR, and suggests delaying such hearing until after receipt of comments on a draft environmental impact report. The Board's intent is correctly expressed in conclusion 2 of Order WR 75-1 which directs further hearing when the draft environmental impact statement is complete, but not later than September 1, 1975 (emphasis added).

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that reconsideration of Board Order WR 75-1 be and it is granted for the limited



purpose of reconsidering the revocation of Permit 15014. Further evidence in this matter shall be taken at the time of the next hearing directed in Order WR 75-1.

Dated: February 20, 1975

W. W. ADAMS
W. W. Adams, Chairman

RONALD B. ROBIE
Ronald B. Robie, Vice Chairman

ROY E. DODSON, JR.
Roy E. Dodson, Jr., Member

MRS. CARL H. (JEAN) AUER
Mrs. Carl H. (Jean) Auer, Member

W. DON MAUGHAN
W. Don Maughan, Member

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permit 15013
through 15024 Issued on
Applications 11792, et al.,
CALAVERAS COUNTY WATER DISTRICT,
Permittee.

Order: WR 75-1

Sources: Stanislaus River
and Tributaries

Counties: Tuolumne, Calaveras,
Stanislaus, and
San Joaquin

ORDER GRANTING EXTENSIONS OF TIME, REVOKING
A PERMIT AND DIRECTING FURTHER HEARING

BY BOARD VICE CHAIRMAN ROBIE AND MEMBER MAUGHAN:

The time to commence construction work under Permits 15013 through 15024 expired on January 1, 1972. Petitions for extensions of time were filed by the permittee on May 12, 1972. A public hearing was held before the State Water Resources Control Board on March 26, 1974, to determine whether extensions of time should be granted or the permits revoked. Permittee and interested parties having appeared and presented evidence, the evidence having been duly considered, the Board finds as follows:

1. The original development contemplated under the subject permits was to be financed entirely by the sale of power. When the permits were issued in 1966, there was no market for the power to be produced by the project and for several years little work was accomplished on the project. The applicant has been negotiating with the Northern California Power Agency, an association of municipal corporations, Sierra Pacific Power Company, Pacific Gas and Electric Company (PG&E),

Sacramento Municipal Utility District (SMUD), and certain individual municipalities for the purchase of the hydroelectric power to be generated at the project (permittee's petitions; files of Application 11792 et al.). These negotiations were not successful partly due to the applicant's failure to obtain a federal power commission license (RT 5).

2. Due to increased energy demands and escalating costs of power developed from fossil fuel, the permittee's prospective power customers have shown new interest in the power benefits of the project. The PG&E has a market for the power to be produced and, if the project is shown to be feasible, is willing to purchase power from the permittee provided its cost does not exceed the costs of power produced by alternative sources of generation (letter of May 15, 1974, from PG&E Vice President, Planning and Research, to permittee). SMUD can use the power produced by permittee's project as the hydroelectric power would complement a base-load facility, such as its Rancho Seco Nuclear Plant, and is interested in contracting for its purchase (letter of May 10, 1974, from General Manager, SMUD, to permittee).

3. The permittee filed a motion for reconsideration of the decision denying its application for a federal power license. If the outcome of the reconsideration is not favorable to the permittee, it will file a new application (RT 59). In February 1973 the Federal Power Commission requested the permittee to file an environmental impact statement (permittee's Exhibit B). On March 20, 1974, the permittee awarded a contract to EDAW, Inc., for the

preparation of the preliminary work on an environmental impact statement (RT 64). The draft environmental impact statement is to be completed about the middle of 1975 while the final environmental impact statement is to be completed about the middle of 1976 (RT 106, 107, permittee's Exhibit F).

4. The permittee is considering alternative projects as well as its original North Fork Stanislaus hydroelectric project (permittee's Exhibit D). A decision cannot be made on which alternative should be constructed until certain information is obtained in the preparation of the environmental impact statement (RT 22, 29). The decision on which project permittee will construct will be made some time late in 1975 when a definitive project report will have been completed (RT 110) (permittee's Exhibit F).

5. Permittee now realizes that power revenues alone will not pay for the project (RT 23). Permittee intends to construct a first-stage water project in the event hydroelectric power facilities are not feasible (RT 40). The permittee has applied for a PL 984 loan from the federal government. There has been delay in such applications due to a review by the Department of Interior of its guidelines for PL 984 loans (letter of April 29, 1974, from Bureau of Reclamation's Regional Director to the Board's Chairman).

6. The permittee has spent \$334,532.33 on work related to the subject permits (RT 14).

7. The project covered by Permit 15014 (Application 12537) is not an integral part of the multi-purpose development covered by the other permits. Also, the project has

a time schedule which differs from that in the other permits. Even if excess revenues were to be generated by a power producing project to finance this separate irrigation project, the time of availability of such funds, and thus the time for the commencement of the project, is too indefinite to warrant further extension of time.

From the foregoing findings it is concluded:

1. That Permit 15014 should be revoked.

2. That the time for commencement of construction under Permits 15013 and 15015 through 15024 should be extended for a further hearing when the draft environmental impact statement is complete, but not later than September 1, 1975. The purpose of this hearing will be to consider whether further time should be allowed for formulation of the details of a definitive project.

3. That the permittee should be placed on notice that if additional time for formulation of details of a definitive project is allowed, as a result of the hearing under paragraph two next above, the Board may later amend the permits to conform with the definitive project and with current conditions. Because the permits were issued nearly 10 years ago, and because there has been neither substantial financial commitment nor commencement of construction as provided in the permits, further hearing, fully noticed with opportunity for protestants to be heard, will be held regarding the definitive project prior to amendment of the permits. Amendments may include conditions to protect the environment based on

the current laws and knowledge regarding the environment, conditions to protect vested rights and the public interest, and new quantity limitations consistent with the project formulated although the availability of unappropriated water will not be an issue.

IT IS SO ORDERED.

Dated: January 16, 1975

We Concur:

W. W. ADAMS

W. W. Adams, Chairman

RONALD B. ROBIE

Ronald B. Robie, Vice Chairman

ROY E. DODSON

Roy E. Dodson, Member

MRS. CARL H. (JEAN) AUER

Mrs. Carl H. (Jean) Auer, Member

W. DON MAUGHAN

W. Don Maughan, Member

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ROOM 1140, RESOURCES BUILDING

1416 NINTH STREET • SACRAMENTO 95814



ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

APPLICATION 12912

PERMIT 15017

THE STATE WATER RESOURCES CONTROL BOARD HAVING DETERMINED THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT PROPOSED UNDER PERMIT 15017; AND HAVING DIRECTED THAT THIS ORDER BE ISSUED;

NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE AND THE SAME IS HEREBY APPROVED AS FOLLOWS:

CONSTRUCTION WORK SHALL COMMENCE ON OR BEFORE JANUARY 1, 1972(0000007)

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1993(0000008)

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 2015(0000009)

DATED: JAN 10 1969

K. L. Woodward
K. L. WOODWARD, CHIEF
DIVISION OF WATER RIGHTS

[For full information concerning the filling out of this form refer to
Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

Application No. 12912 Filed January 25, 1949, at 3:46 P. M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

AMENDED APPLICATION RECEIVED 12-29-50

I, Calaveras County Water District
Name of applicant or applicants
of San Andreas County of Calaveras
Address
State of California, do hereby make application for a permit to appropriate the
following described unappropriated waters of the State of California, **SUBJECT TO VESTED RIGHTS:**

Source, Amount, Use and Location of Diversion Works

- The source of the proposed appropriation is North Fork of the Stanislaus River
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed
located in Calaveras County, tributary to Stanislaus River
- The amount of water which applicant desires to appropriate under this application is as follows:
(a) For diversion to be directly applied to beneficial use 10
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day
second, to be diverted from November 1 to July 1 of each year. See A 12912-A for partial permit for cubic feet per sec
Beginning date Closing date
(b) For diversion to be stored and later applied to beneficial use _____ acre-feet
1 acre-foot equals 325,851 gallons
per annum, to be collected between _____ and _____ of each season.
Beginning date Closing date
NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. If amount under (a) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed. If underground storage is proposed a special supplemental form will be supplied by the State Water Rights Board upon request.
- The use to which the water is to be applied is municipal
Domestic, irrigation, power, municipal, mining, industrial, recreational
_____ purposes.
- The point of diversion is to be located N65°09'E 3275' to the NW corner of Section 24, T6N
State bearing and distance or coordinate distances from section or quarter section corner
R16E, MDB&M.

being within the SE¹ of NW¹
State 40-acre subdivision of public land survey or projection thereof
of Section 23, T. 6N, R. 16E, M.D. B. & M., in the County of Calaveras
(See Attachment)
5. The main conduit terminates in _____ of Sec. _____, T. _____, R. _____, B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application cannot be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)

- Diversion will be made by pumping from _____
Sump, offset well, unobstructed channel, etc.
- Diversion will be by gravity, the diverting dam being See Attachment _____ feet in height (stream bed to level of overflow); _____ feet long on top; and constructed of _____
Concrete, earth, brush, etc.
- The storage dam will be _____ feet in height (stream bed to spillway level); _____ feet long on top; have a freeboard of _____ feet, and be constructed of _____
Concrete, earth, etc.

7. Storage Reservoir

The storage reservoir will flood lands in _____
Name

Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of _____ acres, and a capacity of _____ acre-feet. If reservoir has a capacity of 25 acre-feet or more fill in the following: Diameter of outlet pipe _____ inches; length _____ feet; difference in elevation from spillway level to highest point of outlet pipe _____ feet; fall in pipe _____ feet.

In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

See Attachment

feet; depth of water _____ feet; length _____ feet; grade _____ feet per 1,000 feet; materials
of construction _____
Earth, rock, timber, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

The estimated cost of the diversion works proposed is \$1,000,000. Cost includes only main conduit system. Storage reservoir were included under amended cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein. Application 11792

Sec. _____, T. _____, R. _____, _____ B. & M.

DO NOT WRITE IN THIS SPACE
ATTACH EXTRA SHEETS HERE

15. Municipal Use. This application is made for the purpose of serving _____
Name city or cities, town or towns. Urban areas only
_____ having a present population of _____

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

16. Mining Use. The name of the mining property to be served is _____
Name of claim
_____ and the nature of the mines is _____
Gold placer, quartz, etc.

The method of utilizing the water is _____

It is estimated that the ultimate water requirement for this project will be _____
Cubic feet per second, gallons per minute. State basis of estimate

The water will be polluted by chemicals or otherwise _____
will not Explain nature of pollution, if any

and it will be returned to _____ in _____ of _____
will not Name stream State 40-acre subdivision

Sec. _____, T. _____, R. _____, B. & M. _____

17. Other Uses. The nature of the use proposed is _____
Industrial, recreational, domestic, stockwatering, fish culture, etc.

State basis of determination of amount needed. _____
Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type

Industrial use, and unit requirements

General

18. Are the maps as required by the Rules and Regulations filed with Application? Yes _____ If not, _____
Yes or No
state specifically the time required for filing same _____

19. Does the applicant own the land at the proposed point of diversion? No _____ If not, give name and _____
Yes or No
address of owner and state what steps have been taken to secure right of access thereto. District has right of
eminent domain

20. What is the name of the post office most used by those living near the proposed point of diversion?
Arnold, Murphys, San Andreas

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? Reference is made to the records of the State Division of Water Resources
for these data.

CALAVERAS COUNTY WATER DISTRICT

[SIGNATURE OF APPLICANT] /s/ Martin McDonough
Attorney for said District

PERMIT No. 15017

This is to certify that the application of which the foregoing is a true and correct copy has been considered and approved by the State Water Rights Board SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 7 cubic feet per second to be diverted from about November 1 of each year to about July 1 of the succeeding year. (0000005)

2. The maximum quantity herein stated may be reduced in the license if investigation warrants it. (0000006)

3. Actual construction work shall begin on or before September 1, 1968, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

4. Said construction work shall be completed on or before December 1, 1993. (0000008)

5. Complete application of the water to the proposed use shall be made on or before December 1, 2015. (0000009)

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued. (0000010)

7. All rights and privileges under this permit including methods of diversion, methods of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water. (0000012)

8. Permittee shall allow representatives of the State Water Rights Board or other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

9. To the extent that their provisions relate to matters within the jurisdiction of the State Water Rights Board, this permit is subject to the terms of agreements between the permittee and the California Department of Fish and Game, dated October 22, 1964, and the Division of Beaches and Parks of the State of California, dated May 10, 1962, which were filed for record at the hearing on Applications 11792, etc., as Fish and Game Exhibit 9 and Beaches and Parks Exhibit 3, respectively. (0430024)

10. This permit and all rights acquired or to be acquired thereunder shall be subject to future depletion of streamflow from South Fork and Middle Fork Stanislaus River and their tributaries not to exceed 90,000 acre-feet of water in any three-year period by lawful appropriations of water for reasonable beneficial use by any diverter within the service area of Tuolumne County Water District No. 2, without regard to the time such appropriations are initiated. (0000999)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

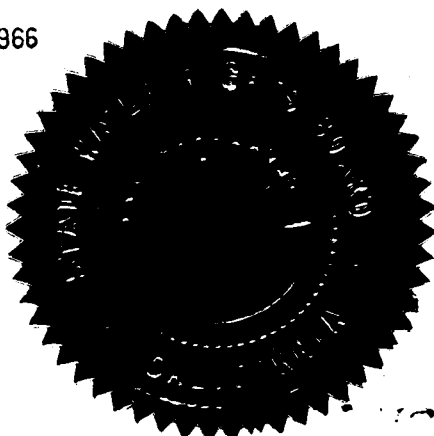
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: MAR 18 1966

STATE WATER RIGHTS BOARD



L. K. Hill
L. K. Hill
Executive Officer

15017

22

ATTACHMENT TO APPLICATION #12912

- P. 5.) The main conduit system and municipal usage
P. 6.(b) } are the same as described under amended Application
P. 8.) #11792 and accompanying "General Project Map- Municipal."
P. 15.)